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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/043,109	01/14/2002	Mark Hutchison	367.41081X00	6643
20457	7590	10/18/2004	EXAMINER	
ANTONELLI, TERRY, STOUT & KRAUS, LLP			WEST, LEWIS G	
1300 NORTH SEVENTEENTH STREET				
SUITE 1800			ART UNIT	PAPER NUMBER
ARLINGTON, VA 22209-9889			2682	

DATE MAILED: 10/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/043,109	HUTCHISON ET AL.	
	Examiner	Art Unit	
	Lewis G. West	2682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 28 June 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 10-16 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 10-16 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 28 June 2004 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
Paper No(s)/Mail Date _____.	6) <input type="checkbox"/> Other: _____.

Response to Arguments

Applicant's arguments with respect to claims 10-16 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues that claim 10 is merely a combination of claims 1-3, however this is not the case. Applicant has redefined which portion of the device is independently operable as a telephone, and therefore all arguments relating to the original claims are unpersuasive and moot, as the scope of the invention has changed entirely, and these are entirely new and different claims. As new issues have been presented, requiring further search, this action will be made final.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10-13 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Snyder et al (US 6,043,626) in view of Ghassabian (WO 98/27702).

Regarding claim 10, Snyder discloses a portable telephone assembly comprising: first (10) and second (15) portions; and wherein the first portion (10) comprises a primary power source (25), is arranged to be detachably connected to the second portion (15) and is independently operable as a portable telephone when detached from the second portion (Col. 3 lines 8-21); the second portion is arranged to be removably attachable to a user (Col. 3 lines 34-

40), comprises a battery (40) operable to supplement the primary power source when the first and second portions are connected; and a rechargeable battery (40) in the second portion (Col. 3 line 41-56), but does not expressly disclose multiple distributed cells. Ghassabian discloses a battery in a second portion of a two-portion communication device wherein the battery has multiple cells distributed about a second portion. (Page 10 lines 4-18) Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have distributed cells about a second portion to allow more freedom in the shape of the portion allowing for easier attachment, such as a bracelet form.

Regarding claim 11, the combination of Snyder and Ghassabian discloses a portable telephone assembly as claimed in claim 10, wherein the second portion is removably attached to a user's wrist. (Ghassabian, page 10 lines 4-18, also see Figures 1 and 2)

Regarding claim 12, the combination of Snyder and Ghassabian discloses a portable telephone assembly as claimed in claim 10, wherein charging circuitry is provided to recharge the primary power source from the battery. (Snyder col. 6 line 31-54)

Regarding claim 13, the combination of Snyder and Ghassabian discloses a portable telephone assembly as claimed in claim 12, wherein the charging circuitry (**battery charging circuitry** 450) is disposed in the second portion. (Snyder col. 6 line 31-54)

Regarding claim 16, the combination of Snyder and Ghassabian discloses a portable telephone apparatus as claimed in claim 10, comprising charging apparatus (**battery charger** 410) for recharging the battery. (Snyder col. 6 line 31-54)

Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Snyder et al (US 6,043,626) in view of Ghassabian (WO 98/27702) further in view of Vega (US 6,275,681).

Regarding claim 14, the combination of Snyder and Ghassabian discloses a portable telephone assembly as claimed in claim 12, but does not disclose inductive charging. Vega discloses a radio communication system wherein the charging circuitry comprises a contactless inducting charging apparatus. (Col. 4 lines 4-45) Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use inductive charging, because contacts are subject to wear and corrosion. (Col. 1 lines 32-58)

Regarding claim 15, the combination of Snyder and Ghassabian discloses a portable telephone assembly as claimed in claim 13, but does not disclose inductive charging. Vega discloses a radio communication system wherein the charging circuitry comprises a contactless inducting charging apparatus. (Col. 4 lines 4-45) Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use inductive charging, because contacts are subject to wear and corrosion. (Col. 1 lines 32-58)

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

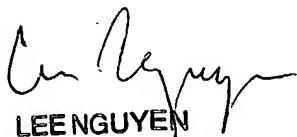
MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lewis G. West whose telephone number is 703-308-9298. The examiner can normally be reached on Monday-Thursday 6:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 703-308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Lewis West
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LEE NGUYEN
PRIMARY EXAMINER